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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,931	07/29/2003	Stephane Thiolere	58848US003	7517
32692	7590	10/06/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			HAMLIN, DERRICK G	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 10/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,931

Applicant(s)

THIOLIERE ET AL.

Examiner

Derrick G. Hamlin

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-16,18 and 20-31 is/are rejected.
- 7) ☒ Claim(s) 2,3,17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Evaluations of level of ordinary skill in the art requires consideration of factors such as various prior art approaches employed, types of problems encountered in the art, rapidity with which innovations are made, sophistication of technology involved, educational background of those actively working in the field, commercial success, failure of others, and the inventor's educational level.

The "person having ordinary skill" in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The references of record in this case reasonably reflect this level of skill.

Claims 1, 4-13, 15, 16, 18, 20-25, 28 and 29 rejected under 35 U.S.C. 102(b) as being anticipated by Hermann (US 3,965,519).

Hermann discloses a disposable floor wipe for use in cleaning and shining linoleum, asphalt tile, vinyl and other similar floor surfaces comprises a carrier substrate (abstract). In example 1, Hermann discloses a 13 1/3 by 12 inch non-woven substrate impregnated with 45 grams of the following aqueous emulsion floor composition:

Polymer* 25.20 SAA Resin** 14.00 Polyethylene Wax Emulsion (25%) 3.36

Art Unit: 1751

Polypropylene Wax Emulsion (27.5%) 1.00 Tributoxylethyl Phosphate 1.26 Carbitol 4.00 Formaldehyde 0.20 Fluorocarbon 3611 (1%) 1.00 Perfume 0.10 Water 49.88 100.00 pH = 7.8 Non-volatiles = 14% *35% emulsion polymer having approximately 10,000 weight average molecular weight formed from 25% styrene, 33% methyl methacrylate, 30% butyl acrylate and 12% methacrylic acid using 1.5 BMPA chain transfer agent. **20% solution of low molecular weight resin having 67% styrene and 33% acrylic acid. The above impregnated wipe was used to clean and shine a slightly soiled well-maintained vinyl asbestos floor and covered approximately 45 sq. ft. There was no discernable difference in the thickness of the coating over the entire surface area coated with the entire area leveling well and having a high degree of gloss. Additionally, example 2 employs 0.69 wt % of a nonionic surfactant. (col. 11, lines 10-37 and 48)

The reference is anticipatory.

Claims 1, 4-16, 18, 20-25, 28 and 29 rejected under 35 U.S.C. 102(b) as being anticipated by Mitra et al (US 2002/0183233).

An improved cleaning composition loaded on a cleaning wipe having improved biocidal release from the cleaning wipe. The improved cleaning composition includes a cationic biocide and a biocide release agent. (abstract) In still another embodiment, the surfactant includes a fluorosurfactant. One non-limiting type of fluorosurfactant that can be used is an ethoxylated nonionic fluorosurfactant. (page 8, paragraph 23)

Hydrofluoride and difluorophosphate are also disclosed (page 3, paragraph 17). The use of water, mineral oil, waxes, paraffins, (page 10, paragraph 26-27) Several cationic biocides are employed, such as chloride, bromide, iodide, carbonate and/or an alkyl

Art Unit: 1751

carboxylate; and R1-R4 straight chain, branched chain and/or cyclic chain groups, specifically, alkyldimethylbenzylammonium quat (page 12, paragraph 54-56).

The reference is anticipatory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 27, 30 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Hermann (US 3,965,519).

The reference does teach polishing a vinyl floor substrate. The reference does not teach the instant invention with sufficient specificity to constitute anticipation. The reference fails to teach the substrate is a natural or artificial leather.

The instant application requires a natural or artificial leather be used and artificial leather is often made of vinyl, therefore there would be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art suggest polishing a vinyl material. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the instant composition and wipe as the reference discloses all of the components in the required amount.

Art Unit: 1751

In view of the forgoing, the above claims have failed to be patentably distinguishable over prior art.

The remaining references listed on form(s) 892 and/or 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the rejection above.

Allowable Subject Matter

Claims 2, 3, 17 and 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It would not have been obvious to one of ordinary skill in the art at the time the invention was made to create the instant composition of claim 19 or use the instantly claimed fluorinated polymers and surfactants of claims 2, 3 and 17 in, as the reference fails to disclose all of the instantly components in their required amount.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (571) 272-1317. The examiner can normally be reached on Monday-Fridays from ~8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (571) 272-1316. The fax phone


Art Unit: 1751

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick G. Hamlin

9/30/04



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